

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No.17690 of 2005

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Dated 10-02-2006

Between:

Abyudaya Vidya Samithi, rep. by its President,
Hyderabad.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Principal Secretary,
Hyderabad, and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No.17690 of 2005

O R D E R:

The petitioner claims to be an Educational Society running various educational institutions. It is stated that pursuant to the notification dated 29-05-2004, the petitioner-Society, with an intention to establish a School of Nursing at Hyderabad, submitted an application in accordance with the terms and conditions of the notification. It appears that since there was no response from the respondents, the petitioner-Society filed W.P.No.21129 of 2004, which was disposed of by this Court, by order dated

30-03-2005, directing the second respondent to consider and dispose of the application of the petitioner-Society in accordance with law. In spite of the directions of this Court, the respondents failed to take any action in that regard, therefore, the petitioner-Society filed C.C.No.604 of 2005. This Court, by order dated 11-7-2005, issued notice in the Contempt Case. In pursuance thereof, the second respondent issued proceedings dated 23-07-2005 informing the petitioner-Society that its application was referred to the District Level Team for re-verification of the proposed institution. Aggrieved by the same, the present writ petition is filed contending, *inter alia*, that since the petitioner's proposed institution was inspected twice by the duly constituted committees and verification reports were submitted, there is absolutely no justification in directing further inspection. The petitioner-Society contends that in pursuance of the order dated 30-03-2005 W.P.No.21129 of 2004, the respondents ought to have granted permission to the petitioner-Society as was done in respect of the similarly situated institutions for establishing the proposed

institutions on the basis of the inspection reports already submitted.

On behalf of the respondents, a counter-affidavit has been filed by the Director of Medical Education, Hyderabad, in which it is stated that since some allegations were made on the floor of the Assembly alleging that there was no proper verification in scrutinizing the applications for establishment of Schools/Colleges of Nursing and that said process was afflicted with favouritism, the Government of Andhra Pradesh issued Memo dated 12-01-2005 for re-verification of the request made by the different applicants. Accordingly, G.O.Rt.No.448 dated 25-04-2005 was issued directing re-verification, which is only for the purpose of maintaining the transparency and the petitioner-Society is in no way prejudiced. Hence the writ petition is misconceived and the relief as prayed for cannot be granted.

I have heard the learned counsel for the petitioner-Society and the learned Government Pleader appearing for the respondents.

May be that the institution proposed to be established by the petitioner-Society was earlier inspected twice, however as can be seen from the material on record, in view of various allegations received with regard to the procedure followed in scrutinizing the applications for establishment of Schools/Colleges of Nursing, the Government issued Memo, dated 12-01-2005, directing the Director of Medical Education to re-verify the proposals. In pursuance thereof and pursuant to the instructions issued under G.O.Rt.No.448 dated 25-04-2005, District Level Teams were constituted. Thus it is clear that re-verification was ordered based on a policy decision taken by the Government to maintain transparency in the scrutiny of the applications submitted by various applicants for establishment of Schools/Colleges of Nursing. The contention of the learned counsel for the petitioner-Society that G.O.Rt.No.448 dated 25-04-2005 does not apply to the case of the petitioner-Society is without any substance since admittedly as of today, no orders have been passed in favour of the petitioner-Society granting permission for establishment of proposed School of Nursing.

Hence, the writ petition is devoid of any merit and the relief as prayed for cannot be granted.

Accordingly the writ petition is disposed of with a direction to the second respondent to complete the re-verification as contemplated under the impugned proceedings dated 23-07-2005 and to take necessary further steps, in accordance with law, expeditiously. No costs.

(G. ROHINI, J)

Date:10-02-2006

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